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HOUSE BILL NO. 613

Offered January 9, 2008

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A BILL to amend and reenact §§ 22.1-59, 22.1-253.13:2, 22.1-293, 22.1-294, 22.1-298.1, and 22.1-299 of the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 22.1-298.02, relating to licensure of certain school personnel.

Patrons—Poisson, Gilbert and Ware, R.L.

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-59, 22.1-253.13:2, 22.1-293, 22.1-294, 22.1-298.1, and 22.1-299 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 22.1-298.02 as follows:

§ 22.1-59. Qualifications of superintendent.

The Board of Education shall prescribe by regulation the minimum qualifications for the position of division superintendent of schools and a copy of such regulations shall be furnished to all applicants. *However, such regulations and policies of local school boards shall not require the division superintendent to hold a license as provided in Article 2 (§ 22.1-293 et seq.) of Chapter 15 of this title, or to complete any degree programs or specialized training heretofore required for licensure as a division superintendent in the public schools of the Commonwealth.*

§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.

A. The Board shall establish requirements for the licensing of teachers, ~~principals, superintendents, and other professional personnel.~~

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas *taught in the public schools.*

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12.

Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with mental retardation that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school divisions offering half-day kindergarten with pupil/teacher ratios that exceed 30 to one shall adjust their average daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily memberships, as provided in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act,

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59 shall be provided to support 17 full-time equivalent instructional positions for each 1,000 students
60 identified as having limited English proficiency.

61 G. In addition to the full-time equivalent positions required elsewhere in this section, each local
62 school board shall employ the following reading specialists in elementary schools, one full-time in each
63 elementary school at the discretion of the local school board.

64 H. Each local school board shall employ, at a minimum, the following full-time equivalent positions
65 for any school that reports fall membership, according to the type of school and student enrollment:

66 1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students;
67 principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high
68 schools, one full-time, to be employed on a 12-month basis;

69 2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900
70 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals
71 in high schools, one full-time for each 600 students;

72 3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students;
73 librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time
74 at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students,
75 two full-time at 1,000 students;

76 4. Guidance counselors in elementary schools, one hour per day per 100 students, one full-time at
77 500 students, one hour per day additional time per 100 students or major fraction thereof; guidance
78 counselors in middle schools, one period per 80 students, one full-time at 400 students, one additional
79 period per 80 students or major fraction thereof; guidance counselors in high schools, one period per 70
80 students, one full-time at 350 students, one additional period per 70 students or major fraction thereof;
81 and

82 5. Clerical personnel in elementary schools, part-time to 299 students, one full-time at 300 students;
83 clerical personnel in middle schools, one full-time and one additional full-time for each 600 students
84 beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools,
85 one full-time and one additional full-time for each 600 students beyond 200 students and one full-time
86 for the library at 750 students.

87 I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades
88 kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

89 J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades
90 kindergarten through 12, one to provide technology support and one to serve as an instructional
91 technology resource teacher.

92 K. Local school boards may employ additional positions that exceed these minimal staffing
93 requirements. These additional positions may include, but are not limited to, those funded through the
94 state's incentive and categorical programs as set forth in the appropriation act.

95 L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing
96 requirements for the highest grade level in that school; this requirement shall apply to all staff, except
97 for guidance counselors, and shall be based on the school's total enrollment; guidance counselor staff
98 requirements shall, however, be based on the enrollment at the various school organization levels, i.e.,
99 elementary, middle, or high school. The Board of Education may grant waivers from these staffing
100 levels upon request from local school boards seeking to implement experimental or innovative programs
101 that are not consistent with these staffing levels.

102 M. School boards shall, however, annually, on or before January 1, report to the public the actual
103 pupil/teacher ratios in elementary school classrooms by school for the current school year. Such actual
104 ratios shall include only the teachers who teach the grade and class on a full-time basis and shall
105 exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers
106 in the same annual report. Any classes funded through the voluntary kindergarten through third grade
107 class size reduction program shall be identified as such classes. Any classes having waivers to exceed
108 the requirements of this subsection shall also be identified. Schools shall be identified; however, the data
109 shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

110 N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the
111 relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving
112 home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time
113 basis in any mathematics, science, English, history, social science, career and technical education, fine
114 arts, foreign language, or health education or physical education course shall be counted in the ADM in
115 the relevant school division on a pro rata basis as provided in the appropriation act. Each such course
116 enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home
117 school student shall be counted as more than one-half a student for purposes of such pro rata
118 calculation. Such calculation shall not include enrollments of such students in any other public school
119 courses.

120 O. Each local school board shall provide those support services that are necessary for the efficient

and cost-effective operation and maintenance of its public schools.

For the purposes of this title, unless the context otherwise requires, "support services" shall include services provided by the school board members; the superintendent; assistant superintendents; student services (including guidance counselors, social workers, and homebound, improvement, principal's office, and library-media positions); attendance and health positions; administrative, technical, and clerical positions; operation and maintenance positions; educational technology positions; school nurses; and pupil transportation positions.

Pursuant to the appropriation act, support services shall be funded from basic school aid on the basis of prevailing statewide costs.

§ 22.1-293. School boards authorized to employ principals and assistant principals; powers and duties.

A. A school board, upon recommendation of the division superintendent, may employ principals and assistant principals. ~~Persons employed in these positions shall hold licenses as prescribed by the Board of Education. A school board shall require that principals and assistant principals meet such minimum qualifications as may be required by the school board and regulations of the Board of Education. However, no local school board policy shall require any principal or assistant principal to hold a license as provided in Article 2 (§ 22.1-293 et seq.) of Chapter 15 of this title, or to complete any degree programs or specialized training heretofore required for licensure as a principal or assistant principal in the public schools of the Commonwealth.~~

B. A principal shall provide instructional leadership in, shall be responsible for the administration of and shall supervise the operation and management of the school or schools and property to which he has been assigned, in accordance with the rules and regulations of the school board and under the supervision of the division superintendent.

C. A principal may submit recommendations to the division superintendent for the appointment, assignment, promotion, transfer and dismissal of all personnel assigned to his supervision. Beginning September 1, 2000, (i) principals must have received training, provided pursuant to § 22.1-253.13:5, in the evaluation and documentation of employee performance, which evaluation and documentation shall include, but shall not be limited to, employee skills and knowledge and student academic progress, prior to submitting such recommendations; and (ii) assistant principals and other administrative personnel participating in the evaluation and documentation of employee performance must also have received such training in the evaluation and documentation of employee performance.

D. A principal shall perform such other duties as may be assigned by the division superintendent pursuant to the rules and regulations of the school board.

§ 22.1-294. Probationary terms of service for principals, assistant principals and supervisors; evaluation; reassigning principal, assistant principal or supervisor to teaching position.

A. A person employed as a principal, assistant principal or supervisor, including a person who has previously achieved continuing contract status as a teacher, shall serve three years in such position in the same school division before acquiring continuing contract status as principal, assistant principal or supervisor.

B. Each local school board shall adopt for use by the division superintendent clearly defined criteria for a performance evaluation process for principals, assistant principals, and supervisors that are consistent with the performance objectives set forth in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents as provided in § 22.1-253.13:5 and that includes, among other things, an assessment of such administrators' skills and knowledge; student academic progress and school gains in student learning; and effectiveness in addressing school safety and enforcing student discipline. The division superintendent shall implement such performance evaluation process in making employment recommendations to the school board pursuant to § 22.1-293.

C. Continuing contract status acquired by a principal, assistant principal or supervisor shall not be construed (i) as prohibiting a school board from reassigning such principal, assistant principal or supervisor to a teaching position if notice of reassignment is given by the school board by April 15 of any year or (ii) as entitling any such principal, assistant principal or supervisor to the salary paid him as principal, assistant principal or supervisor in the case of any such reassignment to a teaching position.

D. No such salary reduction and reassignment, however, shall be made without first providing such principal, assistant principal or supervisor with written notice of the reason for such reduction and reassignment and an opportunity to present his or her position at an informal meeting with the division superintendent, the division superintendent's designee or the school board. The principal, assistant principal or supervisor shall elect whether such meeting shall be with the division superintendent, the division superintendent's designee or the school board. The school board, division superintendent or the division superintendent's designee shall determine what processes are to be followed at the meeting. The decision to reassign and reduce salary shall be at the sole discretion of the school board.

182 The intent of this section is to provide an opportunity for a principal, assistant principal or supervisor
183 to discuss the reasons for such salary reduction and reassignment with the division superintendent, his
184 designee or the school board, and the provisions of this section are meant to be procedural only.
185 Nothing contained herein shall be taken to require cause, as defined in § 22.1-307, for the salary
186 reduction and reassignment of a principal, assistant principal or supervisor.

187 E. As used in this section, "supervisor" means a person who holds a supervisory position as specified
188 in the regulations of the Board of Education and who is required to hold a license as prescribed by the
189 Board of Education.

190 § 22.1-298.1. Regulations governing licensure.

191 A. As used in this section:

192 "Alternate route to licensure" means a nontraditional route to teacher licensure available to
193 individuals who meet the criteria specified in the regulations issued by the Board of Education.

194 "Licensure by reciprocity" means a process used to issue a license to an individual coming into
195 Virginia from another state when that individual meets certain conditions specified in the Board of
196 Education's regulations.

197 "Professional teacher's assessment" means those tests mandated for licensure as prescribed by the
198 Board of Education.

199 "Provisional license" means a nonrenewable license issued by the Board of Education for a specified
200 period of time, not to exceed three years, to an individual who may be employed by a school division in
201 Virginia and who generally meets the requirements specified in the Board of Education's regulations for
202 licensure, but who may need to take additional coursework or pass additional assessments to be fully
203 licensed with a renewable license.

204 "Renewable license" means a license issued by the Board of Education for five years to an individual
205 who meets the requirements specified in the Board of Education's regulations.

206 B. *Persons who hold a license in accordance with the provisions of this article and the regulations*
207 *of the Board of Education shall be permitted to teach in the public schools of the Commonwealth.* The
208 Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and
209 other school personnel required to hold a license. Regardless of the authority of any other agency of the
210 Commonwealth to approve educational programs, only the Board of Education shall have the authority
211 to license teachers to be regularly employed by school boards, including those teachers employed to
212 provide nursing education.

213 Notwithstanding the provisions of this section and the Board's authority to license teachers, local
214 school boards shall be authorized to issue valid, three-year local eligibility licenses pursuant to
215 § 22.1-299.3.

216 C. The Board of Education's regulations shall include requirements that a person seeking initial
217 licensure:

218 1. Complete professional assessments as prescribed by the Board of Education, *including a*
219 *baccalaureate degree from an accredited institution of higher education with a major in one of the*
220 *subjects taught in the public schools;*

221 2. Complete study in attention deficit disorder;

222 3. Complete study in gifted education, including the use of multiple criteria to identify gifted
223 students; and

224 4. Complete study in methods of improving communication between schools and families and ways
225 of increasing family involvement in student learning at home and at school.

226 D. In addition, such regulations shall include requirements that:

227 1. Every person seeking initial licensure or renewal of a license demonstrate proficiency in the use of
228 educational technology for instruction;

229 2. Every person seeking initial licensure or persons seeking licensure renewal as teachers for the first
230 time shall complete study in child abuse recognition and intervention in accordance with curriculum
231 guidelines developed by the Board of Education in consultation with the Department of Social Services
232 that are relevant to the specific teacher licensure routes;

233 3. Every person seeking initial licensure or renewal of a license shall receive professional
234 development in instructional methods tailored to promote student academic progress and effective
235 preparation for the Standards of Learning end-of-course and end-of-grade assessments; and

236 4. Every person seeking licensure with an endorsement as a teacher of the blind and visually
237 impaired shall demonstrate proficiency in reading and writing Braille.

238 E. ~~The Board's regulations shall require that initial licensure for principals and assistant principals be~~
239 ~~contingent upon passage of an assessment as prescribed by the Board.~~

240 F. The Board shall establish criteria in its regulations to effectuate the substitution of experiential
241 learning for coursework for those persons seeking initial licensure through an alternate route as defined
242 in Board regulations.

243 G. Notwithstanding any provision of law to the contrary, the Board may provide for the issuance of

a provisional license, valid for a period not to exceed three years, to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law.

HG. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. An assessment of basic skills as provided in § 22.1-298.2 and service requirements shall not be imposed for these licensed individuals; however, other licensing assessments, as prescribed by the Board of Education, shall be required; and

3. The Board may include other provisions for reciprocity in its regulations.

H. The Board's licensure regulations shall require that a majority of credit hours earned, or coursework or in-service training hours completed for the renewal of a license shall be concentrated in one of the subjects taught in the public schools.

§ 22.1-298.02. Administrative licenses and specialized degrees not required.

Effective July 1, 2008, except such minimum qualifications as may be required by regulation of the Board of Education pursuant to §§ 22.1-59 and 22.1-293, no license or completion of any degree programs or specialized training heretofore required for licensure as a division superintendent, principal, or assistant principal shall be required for employment in the public schools of the Commonwealth.

§ 22.1-299. License required of teachers.

No teacher shall be regularly employed by a school board or paid from public funds unless such teacher holds a license or provisional license issued by the Board of Education or a three-year local eligibility license issued by a local school board pursuant to § 22.1-299.3. In accordance with regulations prescribed by the Board, a person not meeting the requirements for a license or provisional license may be employed and paid from public funds by a school board temporarily as a substitute teacher to meet an emergency. *The Board shall require no more than nine credit hours in pedagogical subjects in the coursework required for initial licensure or licensure renewal.*